

## ANNUAL STATEMENT

Of the Liverpool and London and Globe Insurance Co., of Liverpool, England for the year ending Dec. 31, 1905.	
Capital paid up in U. S.	\$12,234,948 25
Liabilities exclusive of capi- tal and net surplus	6,972,668 49
<b>Income</b>	
Premiums	6,804,856 63
Other sources	461,602 88
Total income 1905	7,266,459 51
<b>Expenditures</b>	
Losses	519,143 50
Dividends, none in the U. S.	
Other expenditures	2,277,920 96
<b>Fire Business 1905</b>	
Risks written	998,746,932 00
Premiums thereon	10,955,269 33
Losses incurred	3,455,760 33
<b>Nevada Business</b>	
Risks written	553,985 00
Premiums received	18,085 35
Losses paid	3,255 00
Losses incurred	8,255 00
GEO. H. MOORE, Secy.	

## ANNUAL STATEMENT

Of the Western Assurance Company of Toronto, Canada.	
Assets	\$2,456,786 38
Liabilities, exclusive of capi- tal and net surplus	1,707,194 00
<b>Income</b>	
Premiums	2,458,857 49
Other sources	71,450 25
Total income 1905	2,530,307 74
<b>Expenditures</b>	
Losses	1,543,464 07
Other expenditures	846,145 25
Total expenditures 1905	2,389,609 32
<b>Business 1905</b>	
Risks written	3,404,284 95
Losses incurred	1,141,438 62
<b>Nevada Business</b>	
Risks written	79,649 00
Premiums received	2,280 50
Losses paid	835 00
Losses incurred	1,335 50
C. C. FOSTER, Secy.	

## ANNUAL STATEMENT

Of the National Surety Co. of New York, N. Y.	
Wm. B. Boyce, President	
Samuel H. Shriver, Secy.	
Capital deposited	\$5,000,000 00
Assets	2,216,713 85
<b>Income</b>	
Premiums	1,276,553 47
Other sources	1,211,921 61
Total income 1905	2,488,475 08
<b>Expenditures</b>	
Paid policy holders	452,628 02
Other expenditures	612,402 62
Total expenditures 1905	1,065,030 64
<b>Business 1905</b>	
Risks written	424,727,920 00
Premiums thereon	1,438,270 45
Losses incurred	660,354 10
<b>Nevada Business</b>	
Amt. of risks written	31,500 00
Premiums received	159 50
Amt. of said policies	22,120 00
GILBERT CONGDIN, asst. secy.	

## ANNUAL STATEMENT

Of the Mutual Life Insurance Com- pany of New York	
Assets	\$170,001,165 00
Liabilities	470,861,265 00
Income for 1905	\$5,064,992 88
<b>Disbursements 1905</b>	
Paid policy holders	35,643,185 47
Paid on all other accounts	15,329,781 80
Adjustment of Real Estate valua- tions June 30	5,000,000 00
Total disbursements	55,972,967 27
<b>Nevada Business</b>	
Number of risks written	57
Amount of risks written and paid for	114,805 00
Premiums received	71,020 26
Losses and claims paid	19,486 12
Losses and claims incurred	32,486 12
Policies in force Dec. 31, 1905	853
Amt of same	1,732,880 00
W. J. EASTON, Secy.	

OFFICIAL COUNT OF STATE  
FUNDS.

County of Ormsby, s. s.	
John Sparks and W. G. Douglass being first duly sworn say they are members of the Board of Examiners of the State of Nev., than on the 27th day of Feb. 1906 they, (after having ascertained from the books of the State Controller the amount of money that should be in the Treasury) made an official examination and count of the money and vouchers for money in the State Treasury of Nevada and found the same correct as follows:	
Coin	257,242 50
Paid coin vouchers not re- turned to Controller	40,911 76
Total	298,154 26
<b>State School Fund Securities.</b>	
Irredeemable Nevada State School bonds	380,000 00
Mass. State 3 per cent bonds	537,000 00
Nevada State Bonds	203,700 00
Mass. State 3 1/2 per cent bonds	313,000 00
United States Bonds	215,000 00
Total	1,996,854 66
W. G. Douglass John Sparks	
Subscribed and sworn before me this 27th day of Feb., A. D. 1906.	
J. Doane, Notary Public, Ormsby County, Nev.	
Custom suits and overcoats will be sold at reduced prices and reason- able time given for payment.	
No advantage in waiting—put in your order and receive your goods before Christmas.	
CHAUNCEY LATTA.	

IN THE SUPREME COURT OF THE  
STATE OF NEVADA.

Ebenezer Twaddle and Ebenezer  
Twaddle as Special Admr., of the  
Estate of Alexander Twaddle, de-  
ceased,  
Plaintiffs and Respondents  
V.  
Theodore Winters, A. C. Winters, L.  
W. Winters and Samuel Long-  
baugh,  
Defendants and Appellants

From 2d Judicial District Court, Wash-  
oe County.

Messrs. Cheney and Massey, attorneys  
for Plaintiffs.  
Alfred Chantz, attorney for Defend-  
ants.

## DECISION

The respondents have moved to dis-  
miss the appeal from the judgment  
because it was not taken within one  
year, and to dismiss the appeal from  
the order of the district court denying  
appellants motion for a new trial, also  
to strike from the records the state-  
ment on motion for a new trial, upon  
the ground that the statement was  
not filed within the time prescribed  
by law. The appeal from the judg-  
ment is dismissed because not taken  
until March, 1905, more than one  
year after its rendition on June 23,  
1903. On that day Judge Currier of  
the Second Judicial District court  
who had tried the case at Reno and  
rendered the decree, made in open  
court and had entered in the minutes  
an order "that all business and all  
cases and proceedings that have not  
been completed or in the process of  
completion, and all new business that  
may be brought before the court dur-  
ing the absence of the presiding judge,  
be referred to Judge M. A. Murphy  
of the first judicial district court of  
the State of Nevada, and that he be  
requested to try, determine and dis-  
pose of all cases and business now  
before the court in the absence of the  
judge of this district."

Pursuant to this request Judge Mur-  
phy occupied the bench in Reno until  
July 31, 1903, when a recess was taken  
until a further order of the court.  
There was no other session until  
Judge Currier's return on August 17th.  
On July 17th, Judge Murphy, in open  
court in Reno, made an order allow-  
ing plaintiff until August 15th in  
which to file objection to findings,  
and prepare additional findings. On  
August 3d Judge Murphy at Carson  
City, and within his own first judi-  
cial district, by an ex parte order  
made without affidavit of Judge Cur-  
rier's absence or inability, granted the  
defendants until September 15, 1903,  
within which to prepare, file and  
serve their notice and statement on  
motion for a new trial. Later exten-  
sions were made by Judge Currier, but  
whether they are effectual depends  
upon this order, which respondents  
claim Judge Murphy was unauthorized  
to make under Section 197 of the  
Practice Act which provides in regard  
to notices and statements on motions  
for new trial that "the several periods  
of time limited may be enlarged by  
the written agreement of the parties,  
or upon good cause shown, by the  
court, or the judge before whom the  
case is tried," and under district court  
rule XLIII which directs that "no  
judge, except the judge having charge  
of the cause or proceeding shall grant  
further time to plead, move, or do any  
act or thing required to be done in  
any cause or proceeding, unless it be  
shown by affidavit that such judge is  
absent from the State, or from some  
other cause is unable to act."

Rule XLII provides: "When any  
district judge shall have entered upon  
the trial or hearing of any cause or  
proceeding, demurrer or motion, or  
therein, no other judge shall do any  
act or thing in or about said cause,  
proceeding, demurrer or motion, un-  
less upon written request of the judge  
who shall have first entered upon the  
trial or hearing of said cause, proceed-  
ing, demurrer or motion."

Section 2573 of the Compiled laws,  
passed after section 197 of the Prac-  
tice Act as quoted, enacts: "The dis-  
trict judges of the State of Nevada  
shall possess equal coextensive and  
concurrent jurisdiction and power.  
They shall each have power to hold  
court in any county of the State.  
They shall each exercise and perform  
the powers, duties and functions of  
the court, and of Judges thereof, and  
of Judges at Chambers. Each judge  
shall have power to transact business  
which may be done in chambers at  
any point within the State. All of  
this section is subject to the provi-  
sions that each judge shall exercise  
and control the business of his dis-  
trict, and shall see that it is properly  
performed."

We think under the minute order  
and circumstances related, the power  
inherent in Judge Currier to extend  
the time of filing the notice and state-  
ment became conferred upon Judge  
Murphy during the former's absence,  
and that Judge Murphy became the  
judge in charge, endowed with the au-  
thority to grant the extension without  
the presentation of the affidavit show-  
ing the absence or inability of Judge  
Currier, as the rule requires before the  
order can be made by a judge not  
having the business in charge.

Judge Currier's absence was presum-  
ed to continue until his return was  
shown and consequently Judge Mur-  
phy's authority based upon that ab-  
sence would likewise continue. It is  
said that under the first statute men-  
tioned, the language that "the court  
or judge before whom the case was  
tried" may extend the time in val-  
idates the order, because Judge Mur-  
phy was not the judge before whom  
it was tried, and that he was not the  
court after he returned to Carson City,  
where he made the order. In a nar-  
row technical sense this may be true.  
If we do not look beyond the strict  
letter of the statute. But not so if  
we consider the intent and purpose of  
the enactment, and construe it in the  
light of reason as applied to the or-

inary rules of practice, and give due  
weight to the later section. Appar-  
ently the object of this legislation was  
to prevent the granting of extensions  
and the meddling of judges in cases  
which they had not tried or which  
were not properly under their control,  
and yet in the case of the absence or  
inability of the judge who tried the  
action, to grant relief, or allow ex-  
tensions to be made to deserving lit-  
igants.

The argument advanced concedes  
that if Judge Murphy had gone to  
Reno and entered the order in open  
court it would have been good, but un-  
der this contention if he had stepped  
through the door into the chambers  
and made it, it would have been void.  
Orders extending the time for filings  
are business usually, or properly  
transacted in chambers and under  
Section 2573 can and ought to be  
made as effectually in any part of the  
State by the judge having the case in  
charge, as if made by him in cham-  
bers or in open court. Judge Murphy  
was merely acting for Judge Currier  
during his vacation, but by analogy  
the construction claimed, if adopted,  
would, in every case where a district  
judge dies, resigns or is succeeded,  
invalidate the orders extending time  
under section 197 made out of court  
by his successor in office, although  
they are of that character ordinarily  
granted in chambers. This would  
mean a distinction and two rules for  
filing orders of the same kind,  
and that the judge who had tried the  
cause as Judge Currier had done in  
this instance, could make the order in  
chambers, while his successor could  
make it only in the cases tried by  
him, and would have to be in court  
to make these simple orders extend-  
ing time in actions which had been  
previously tried by another judge.

Appellants desired and were entit-  
led to the time granted for the pur-  
pose of enabling them to secure from  
the court reporter who had left the  
State, a transcript of the testimony  
given on the trial, which would en-  
able them to properly prepare the state-  
ment.

Under Section 2573 Judge Currier  
could have made an order granting  
them the extension at any place in  
the State, and as during his absence  
Judge Murphy was requested by the  
court minutes to attend to all busi-  
ness for him, we conclude that he was  
empowered to make the order at Car-  
son City as he did, and as Judge Cur-  
rier could have done, and that it was  
not necessary for him to make the trip  
to Reno and undergo the formality of  
opening court to enter ex parte orders  
simply extending time, such as are  
usually made out of court.

The motion to dismiss the appeal  
from the order overruling the motion  
for a new trial and to strike out the  
statement is denied.

## ANNUAL STATEMENT

Of The Munich Re Insurance Co. Of Munich, Bavaria.	
United States department, 346 Broad- way, New York.	
Deposit with Ins. Department.	
New York	\$200,000 00
Deposit with United States	3,056,000 00
Assets	4,097,095 00
Liabilities, exclusive of capi- tal and net surplus	2,897,874 27
<b>Income</b>	
Reinsurance premiums	3,413,629 15
Other sources	173,956 59
Total income, 1905	3,587,585 74
<b>Expenditures</b>	
Losses	2,049,052 85
Dividends	none
Other expenditures	1,113,257 47
Total expenditures, 1905	3,162,310 32
<b>Business 1905</b>	
Risks written	340,495,356 00
Reinsurance premiums there- on	4,261,697 58
Losses incurred	2,282,499 89
<b>Nevada Business</b>	
Reinsurances accepted from Com- panies authorized to do business in Ne- vada.	
O. EHLMANN, Asst.	

## ANNUAL STATEMENT

Of The North British & Mercantile Ins. Co. Of London & Edinburgh.	
For the year ending December 31, 1905	
Deposited in United States	\$200,000 00
Assets	6,677,905 77
Liabilities, exclusive of capi- tal and net surplus	3,738,374 54
<b>Income</b>	
Premiums	2,860,228 05
Other sources	212,315 45
Total income, 1905	3,072,543 50
<b>Expenditures</b>	
Losses	1,839,488 41
Dividends	none
Other expenditures	1,339,115 73
Total expense	3,178,604 14
<b>Business 1905</b>	
Risks written	562,246,792 00
Premiums thereon	5,249,402 04
Losses incurred	1,861,090 36
<b>Nevada Business</b>	
Premiums received	3,330 70
Losses paid	1,834 52
Losses incurred	2,184 52
TOM G. GRANT, Gen'l Agt.	

## ANNUAL STATEMENT

Of the State Insurance Company of Indianapolis, Indiana.	
Capital (paid up)	none
Assets	\$4,126,682 30
Liabilities, exclusive of capi- tal and net surplus	3,521,365 61
<b>Income</b>	
Premiums	2,521,357 10
Other sources	208,553 96
Total income, 1905	2,729,911 06
<b>Expenditures</b>	
Losses	636,594 25
Dividends	none
Other expenditures	1,125,693 02
Total expenditures, 1905	1,762,287 27
<b>Nevada business</b>	
Risks written	433,500 39
Premiums received	17,742 10
WILBUR S. WYM, Secretary.	

Notice of Application for Permission  
to Appropriate the Public Waters of  
the State of Nevada.

Notice is hereby given that on the  
12th day of Sept., 1905, in accordance  
with Section 23, Chapter XLVI, of the  
Statutes of 1905, one Philip V. Mighels  
and Frank L. Wildes of Carson,  
County of Ormsby and State of Ne-  
vada, made application to the State  
Engineer of Nevada for permission to  
appropriate the public waters of the  
State of Nevada. Such application to  
be made from Ash Canyon creek at  
points in N E 1/4 of S W 1/4 of section  
10 T 15 N R 19 E by means of a dam  
and headgate and five cubic feet per  
second is to be conveyed to points  
in N E 1/4 of S W 1/4 of section 11,  
T 15 N R 19 E, by means of a flume  
and pipe and there used to generate  
electrical power. The construction  
of said works shall begin before June  
1, 1906, and shall be completed on or  
before June 1, 1907. The water shall  
be actually applied to a beneficial use  
on or before June 1, 1908.

Signed:  
HENRY THURTELL,  
State Engineer.

TOURIST EXCURSION PARTIES TO  
THE EAST.

Over the Scenic Line of the World.  
If you are going east and want to  
save money, yett ravel with pleasure  
and comfort it will pay you to in-  
vest our personally conducted tourist  
excursions. The parties are in charge  
of a Manager who accompanies the  
cars through t oSt. Louis, Chicago  
and the Atlantic Coast and gives his  
personal attention to the welfare of  
each passenger in his charge. The  
schedules are arranged so you pass  
through the world-famed scenery on  
the Denver and Rio Grande Railroad  
by daylight. Open-top Observation  
cars (something entirely new) are  
free to all passengers. Let us know  
where you are going and we will  
be glad to give you full information  
about your trip, the lowest rates of  
fare and send you free of charge some  
handsome illustrated books of travel.  
W. J. SHOTWELL,  
General Agent.  
625 Market Street, San Francisco, Cal.

## ANNUAL STATEMENT

Of Business of the Nevada Co. for 1905	
Receipts	\$132,652 60
Disbursements	147,864 57
X. M. Hiskey, Cashier	

## ANNUAL STATEMENT

Of The Germania Life Insurance Com- pany of New York.	
Capital (paid up)	\$200,000 00
Assets	35,711,677 18
Liabilities, exclusive of capi- tal and net surplus	30,823,487 00
<b>Income</b>	
Premiums	4,696,455 32
Other sources	1,579,206 48
Total income, 1905	6,275,661 80
<b>Expenditures</b>	
Losses & Matured Endow- ments	2,530,889 99
Dividends	314,162 56
Other expenditures	1,811,713 62
Total expenditures, 1905	4,656,766 17
<b>Business 1905</b>	
Risks written	14,462,833 00
Premiums for first year	641,652 78
Death losses paid	1,337,452 03
<b>Nevada Business</b>	
Risks written	15,300 00
Premiums received	6,484 68
Losses paid	1,000 00
Losses incurred	1,000 00
G. HOYT, Secretary.	

## ANNUAL STATEMENT

Of The National Life Ins. Co. Of The U. S. of A.	
Home office, 159 La Salle street, Chicago, Ill.	
Capital (paid up)	\$1,000,000 00
Assets	6,092,500 46
Liabilities, exclusive of capi- tal and net surplus	4,988,396 60
<b>Income</b>	
Premiums	1,730,567 43
Other sources	2,075,017 15
Total income, 1905	2,805,584 58
<b>Expenditures</b>	
Losses	351,485 76
Dividends	1,467 70
Other expenditures	1,017,651 81
Total expenditures, 1905	1,370,605 27
<b>Business 1905</b>	
Risks written	15,211,749 05
Premiums thereon	935,218 00
Losses incurred	347,532 18
<b>Nevada Business</b>	
Policies 5 amount	12,000 00
ROBERT D. LAY, Secretary W. W. OLDS, Manager, Reno, Nev.	

## ANNUAL STATEMENT

Of The Home Life Ins. Co. Of New York, New York.	
Capital (paid up)	\$125,000 00
Assets	17,886,594 82
Liabilities, exclusive of capi- tal and net surplus	16,682,194 21
<b>Income</b>	
Premiums	3,211,142 68
Other sources	829,260 75
Total income, 1905	4,040,403 43
<b>Expenditures</b>	
Losses and claims	1,176,506 07
Dividends	270,227 50
Other expenditures	1,222,656 72
Total expenditures, 1905	2,669,440 29
<b>Business 1905</b>	
Risks written	12,698,429 00
Premiums thereon	681,869 67
Losses incurred	759,291 93
<b>Nevada Business</b>	
Risks written	5,000 00
Premiums received	8,452 51
Losses paid	2,500 00
Losses incurred	none
E. W. GLADWIN, Secretary	

## ORDINANCE NO. 112.

On Ordinance for the Licensing of  
Games and Gambling Devices in  
Carson City.

The Board of Trustees of Carson  
City do ordain:

Section 1. Each and every person,